

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SHEILA LEONARD,
Plaintiff

v.

DEARBORN NATIONAL LIFE
INSURANCE COMPANY, TEXOMA
HOSPITAL PARTNERS, LLC; CARRUS
HEALTHCARE, LLC; CARRUS HEALTH
HOLDINGS, LLC; CARRUS ER
RICHMOND, LLC; and CARRUS
REHABILITATION HOSPITAL, LLC
Defendants

§
§
§
§
§
§
§
§
§
§
§

No. 4:19-cv-2460

APPENDIX TO NOTICE OF REMOVAL

Defendant Dearborn National Life Insurance Company (“Dearborn National” or “Defendant”) respectfully files the following Appendix to Notice of Removal.

- Exhibit 1: Original Petition in Cause No. 19-DCV-263214, filed June 6, 2019.
- Exhibit 2: Citations in Cause No. 19-DCV-263214; *Sheila Leonard v. Dearborn National Life Insurance Company, et al*; In the 268th Judicial District Court, Fort Bend County, Texas
- Exhibit 3: Docket sheet in Case No. 19-DCV-263214
- Exhibit 4: List of all counsel of record.
- Exhibit 5: Civil Cover Sheet

Respectfully submitted,

By: /s/ Andrew F. MacRae
ANDREW F. MACRAE
State Bar No. 00784510
LEVATINO|PACE PLLC
1101 S. Capital of Texas Hwy
Building K, Suite 125
Austin, Texas 78746
Tel: (512) 637-1581
Fax: (512) 637-1583
andrew@lpfirm.com

Attorney for Defendant

Cause No. 19-DCV-263214

SHEILA A. LEONARD	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
vs.	§	
	§	FORT BEND COUNTY, TEXAS
DEARBORN LIFE INSURANCE COMPANY	§	
f/k/a DEARBORN NATIONAL LIFE	§	
INSURANCE COMPANY; TEXOMA	§	
HOSPITAL PARTNERS, LLC; CARRUS	§	
CARRUS HEALTHCARE, LLC; CARRUS	§	
HEALTH HOLDINGS, LLC; CARRUS ER	§	
RICHMOND, LLC; and CARRUS	§	
REHABILITATION HOSPITAL, LLC	§	Fort Bend County - 268th Judicial District Court
<i>Defendants.</i>	§	____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR DISCLOSURE AND REQUEST
FOR PRODUCTION**

SHEILA A. LEONARD, Plaintiff, files this Plaintiff's Original Petition against DEARBORN LIFE INSURANCE COMPANY f/k/a DEARBORN NATIONAL LIFE INSURANCE COMPANY; TEXOMA HOSPITAL PARTNERS, LLC; CARRUS HEALTHCARE, LLC; CARRUS HEALTH HOLDINGS, LLC; CARRUS ER RICHMOND, LLC; and CARRUS REHABILITATION HOSPITAL, LLC and for cause of action would respectfully show the following:

I.

Discovery Control Plan and Statement of Relief

Discovery is intended to be conducted under Level 2 of Rule 190 of the Texas Rules of Civil Procedure. The damages sought herein are within the jurisdictional limits of this court, and Plaintiff seeks monetary relief over \$200,000 but not more than \$1 million.

EXHIBIT 1

II. PARTIES

Plaintiff SHEILA A. LEONARD is an individual citizen of the State of Texas, residing in Fort Bend County, Texas.

Defendant DEARBORN LIFE INSURANCE COMPANY f/k/a DEARBORN NATIONAL LIFE INSURANCE COMPANY is an Illinois life insurance company that is licensed to, and if fact does, conduct business in this state. Service on this defendant can be effected by serving a citation *directed to Defendant DEARBORN LIFE INSURANCE COMPANY* on its registered agent for service, Corporation Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3218, or wherever he may be found. Service on Defendant DEARBORN LIFE INSURANCE COMPANY as described above can be effected by certified mail, return receipt requested.

Defendant TEXOMA HOSPITAL PARTNERS, LLC is a Texas limited liability company having its principal place of business in the state of Texas. Service on this defendant can be effected by serving a citation *directed to Defendant TEXOMA HOSPITAL PARTNERS, LLC* on its registered agent for service, SDB Partners, LLC, 321 N. Highland Avenue, Suite 100, Sherman, Texas 75092, or wherever he may be found. Service on Defendant TEXOMA HOSPITAL PARTNERS, LLC as described above can be effected by certified mail, return receipt requested.

Defendant CARRUS HEALTHCARE, LLC is a Texas limited liability company having its principal place of business in the state of Texas. Service on this defendant can be effected by serving a citation *directed to Defendant CARRUS HEALTHCARE, LLC* on its registered agent for service, Anbarasu Nachimuthu, 4204 North I-35, Denton, Texas 76207, or wherever he may be found. Service on Defendant CARRUS HEALTHCARE, LLC as described above can be effected by certified mail, return receipt requested.

Defendant CARRUS HEALTH HOLDINGS, LLC is a Texas limited liability company having its principal place of business in the state of Texas. Service on this defendant can be effected by serving a citation *directed to Defendant CARRUS HEALTH HOLDINGS, LLC* on its registered agent for service, Anbarasu Nachimuthu, 4204 North I-35, Denton, Texas 76207, or wherever he may be found. Service on Defendant CARRUS HEALTH HOLDINGS, LLC as described above can be effected by certified mail, return receipt requested.

Defendant CARRUS ER RICHMOND, LLC is a Texas limited liability company having its principal place of business in the state of Texas. Service on this defendant can be effected by serving a citation *directed to Defendant CARRUS ER RICHMOND, LLC* on its registered agent for service, Anbarasu Nachimuthu, 4204 North I-35, Denton, Texas 76207, or wherever he may be found. Service on Defendant CARRUS ER RICHMOND, LLC as described above can be effected by certified mail, return receipt requested.

Defendant CARRUS REHABILITATION HOSPITAL, LLC is a Texas limited liability company having its principal place of business in the state of Texas. Service on this defendant can be effected by serving a citation *directed to Defendant CARRUS REHABILITATION HOSPITAL, LLC* on its registered agent for service, SDB Partners, LLC, 321 N. Highland Avenue, Suite 100, Sherman, Texas 75092, or wherever he may be found. Service on Defendant CARRUS REHABILITATION HOSPITAL, LLC as described above can be effected by certified mail, return receipt requested.

At all relevant times, Defendants TEXOMA HOSPITAL PARTNERS, LLC; CARRUS HEALTHCARE, LLC; CARRUS HEALTH HOLDINGS, LLC; CARRUS ER RICHMOND, LLC; and CARRUS REHABILITATION HOSPITAL, LLC conducted business under the assumed name “CARRUS SPECIALTY HOSPITAL” and each is sued herein in that capacity as well as

individually. These defendants are sometimes collectively referred to herein as the “CARRUS Defendants.”

III. VENUE AND JURISDICTION

Venue is proper in Fort Bend County pursuant to one or more of Tex.Civ.Prac. & Rem.Code §§15.002(a)(1), and (3), 15.032 and 15.035(a). This Court has jurisdiction over the subject matter herein because the damages sought are within the jurisdictional limits of this Court.

This Court has personal jurisdiction over both resident defendants and nonresident Defendant DEARBORN LIFE INSURANCE COMPANY f/k/a DEARBORN NATIONAL LIFE INSURANCE COMPANY because each Defendant: maintains continuous and systematic contacts with the State of Texas; (ii) committed the wrongful acts made the basis of this lawsuit in Texas; and/or (iii) engaged in activities that constitute doing business in the State of Texas. The causes of action asserted herein against each Defendant arose from or relate to the contacts of each Defendant with the State of Texas.

IV. FACTS

Plaintiff is and at all relevant times was an employee of Defendant CARRUS ER RICHMOND, LLC. As such, she was entitled to enroll in the CARRUS Defendants’ employee benefit program. She did so on November 14, 2018, electing (among other benefits) Voluntary Life/AD&D insurance coverage for herself and her husband. The Voluntary Life/AD&D benefit was insured by Defendant DEARBORN LIFE INSURANCE COMPANY f/k/a DEARBORN NATIONAL LIFE INSURANCE COMPANY (“DEARBORN”) and paid for by Plaintiff through voluntary payroll deduction.

The insurance benefit elected by Plaintiff fell within the “Guarantee Issue” category, which meant that coverage was automatic upon election and payment of the premium, and not conditioned on Plaintiff or her husband providing evidence of insurability. Plaintiff completed all forms provided to her by Defendants and authorized the bi-monthly deductions from her paycheck to pay the premiums for the Voluntary Life/AD&D benefit. Beginning on December 21, 2018, Defendant CARRUS ER RICHMOND, LLC began deducting the quoted premium payments from Plaintiff’s paychecks.

On February 14, 2019 – Valentine’s Day – Plaintiff received the news that her husband had been seriously injured in a motor vehicle accident. He died from those injuries five days later, on February 19, 2019.

On February 21, 2019, as instructed by the terms of the benefit program, Plaintiff contacted the CARRUS Defendants via email to report her husband’s death and request payment of the Voluntary Life/AD&D benefits due. She heard nothing until March 5, 2019 – 12 days after reporting the claim – when Melissa Dovel, the CARRUS Defendants’ human resources employee designated to handle claims for benefits, instructed her to submit the death certificate once it was issued. Ms. Leonard submitted the death certificate to Dovel on March 21, 2019, the same day she received it.

During the more than two months that have elapsed since then, and despite the fact that the benefits elected by Plaintiff were in the “Guarantee Issue” category, neither DEARBORN nor the CARRUS Defendants has paid the claim, accepted or rejected the claim in writing, or requested any items, statements or forms from Plaintiff in order to “investigate” the claim. When the undersigned sent a letter dated May 16, 2019 to Defendants demanding payment of the claim, Defendants ignored and did not even extend Plaintiff the courtesy of a response.

Plaintiff is the beneficiary of the Voluntary Life/AD&D benefit and it entitled to receive payment of that benefit, in the amount of \$100,000.

**V.
CAUSES OF ACTION**

Negligence

DEARBORN and the CARRUS Defendants owed a duty of care to Plaintiff. By their actions as outlined above, DEARBORN and the CARRUS Defendants failed to exercise ordinary care in the exercise of their duties to Plaintiffs. As a proximate cause, Plaintiff suffered harm. Plaintiff's damages are within the jurisdictional limits of this Court.

Breach of Contract

Plaintiff had a valid, binding insuring agreement with the DEARBORN and the CARRUS Defendants. By their actions as outlined above, DEARBORN and the CARRUS Defendants failed to comply with the terms of the agreement. Plaintiff's damages were proximately caused by the Defendants' failure to comply with the terms of the agreement. The Plaintiffs' damages are within the jurisdictional limits of this Court.

Bad Faith

There was a valid insurance contract between Plaintiffs and DEARBORN and the CARRUS Defendants which created a duty of good faith and fair dealing. By their actions as outlined above, DEARBORN and the CARRUS Defendants breached their duty when they delayed and refused to pay the claim when liability and coverage was reasonably clear. The Defendants' breach proximately caused the Plaintiffs' damages.

Deceptive Insurance Practices/DTPA

DEARBORN and the CARRUS Defendants are "persons" as defined by the Texas Insurance Code § 541.002(2). By their actions as outlined above, DEARBORN and the CARRUS Defendants

engaged in acts or practices that violated (1) Texas Insurance Code Chapter 541, subchapter B; (2) Texas Business & Commerce Code § 17.46(b), and Plaintiff relied on the acts or practices to her detriment; or (3) a tie-in provision of the Texas Insurance Code. The Defendants' acts and practices were a producing cause of actual damages to Plaintiff.

Late Payment

Plaintiff made a claim under an insurance policy. Plaintiff gave timely and proper notice of their claim to DEARBORN and the CARRUS Defendants. DEARBORN and the CARRUS Defendants are liable for the claim. By their actions as outlined above, Defendants violated chapter 542.051 et. seq. of the Texas Insurance Code by (1) failing to timely accept, reject or extend time to decide the claim and (2) refusing to pay the claim.

**VI.
DAMAGES/ATTORNEYS' FEES**

As a result of the DEARBORN and the CARRUS Defendants' wrongful conduct described herein, Plaintiffs suffered damages, including, but not limited to the following categories;

- a. the Voluntary Life/AD&D benefit described herein, in the amount of \$100,000;
- b. Statutory interest;
- c. Treble damages;
- d. Pre-judgment interest;
- e. Post-judgment interest; and
- f. Attorney's fees.

**VII.
CONDITIONS PRECEDENT**

All conditions precedent to Defendants' liability and to the bringing of this action have been satisfied, waived or have otherwise occurred.

**VIII.
REQUEST FOR DISCLOSURE**

Pursuant to Tex.R.Civ.P. 194, Defendants are requested to disclose, within 50 days of service of this request, the information or material described in Tex.R.Civ.P. 194.2(a) – (k).

**IX.
REQUEST FOR PRODUCTION**

Pursuant to Tex.R.Civ.P. 196, Defendants are requested to produce, within 50 days of service of this request, the following documents and tangible things:

1. All documents describing or defining the Voluntary Life/AD&D benefit, including the Dearborn insurance policy.
2. All agreements between Dearborn and each Defendant regarding the terms, conditions or content of the Carrus employee benefit program.
3. All claim logs, claim journals and similar records of the events related to the claim at issue in this lawsuit.
4. All documents used or relied on in calculating the amount of the deductions from Plaintiff's paycheck after December 1, 2018.
5. For the time period covering February 19, 2019 to the present, all written communications between or among any of the Defendants regarding: (i) Plaintiff's participation in the Carrus employee benefit program; (ii) the death of Plaintiff's husband; (iii) Plaintiff's claim for payment of Voluntary Life/AD&D benefits; and/or (iv) the undersigned's May 16, 2019 letter.
6. All documents obtained or created by any Defendant in connection with the investigation of Plaintiff's claim for payment of Voluntary Life/AD&D benefits.

**XI.
PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer herein and that a judgment be entered in Plaintiffs' favor and against Defendants, jointly and severally, for the following:

- a. the Voluntary Life/AD&D benefit described herein, in the amount of \$100,000;
- b. Statutory interest;
- c. Treble damages;
- d. Pre-judgment interest;
- e. Post-judgment interest;
- f. Attorney's fees; and
- g. Such other and further relief as is just.

Respectfully submitted,

THE ODOM LAW FIRM

/s/ Al Odom

Al Odom

State Bar No. 15201100

Email: aodom@aodowlawfirm.com

601 Sawyer, Suite 225

Houston, Texas 77007

Tel: 713.357.5153

Fax: 713.588.8437

ATTORNEYS FOR PLAINTIFF

**SERVICE FEE COLLECTED
BY DISTRICT CLERK**

THE STATE OF TEXAS

CITATION

TO: **DEARBORN NATIONAL LIFE INSURANCE COMPANY
REGISTERED AGENT CORPORATION SERVICE COMPANY
211 E 7TH STREET SUITE 620
AUSTIN TX 78701**

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on Monday next following the expiration of twenty days after you were served this citation and **PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR DISCLOSURE AND REQUEST FOR PRODUCTION** filed on **JUNE 06, 2019**, a default judgment may be taken against you.

The case is presently pending before the **268TH JUDICIAL DISTRICT COURT** of Fort Bend County sitting in Richmond, Texas. It bears cause number **19-DCV-263214** and is styled:

SHEILA A LEONARD VS DEARBORN LIFE INSURANCE COMPANY F/K/A DEARBORN NATIONAL LIFE INSURANCE COMPANY; TEXOMA HOSPITAL PARTNERS, LLC; CARRUS CARRUS HEALTHCARE, LLC; CARRUS HEALTH HOLDINGS, LLC; CARRUS ER RICHMOND, LLC; AND CARRUS REHABILITATION HOSPITAL, LLC

The name and address of the attorney for **PLAINTIFF** is:

**HAROLD A. ODOM, III
THE ODOM LAW FIRM
601 SAWYER SUITE 225
HOUSTON TX 77007
713-357-5150**

The nature of the demands of said **PLAINTIFF** is shown by a true and correct copy of the **PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR DISCLOSURE AND REQUEST FOR PRODUCTION** accompanying this citation and made a part hereof.

If this Citation is not served, it shall be returned unserved. Issued under my hand and seal of said Court, at Richmond, Texas, on this the 17th day of June, 2019.

**DISTRICT CLERK BEVERLEY MCGREW WALKER
FORT BEND COUNTY, TEXAS**

Physical Address:

1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By:


Deputy District Clerk **DONALD EVANS**
Telephone: (281) 238-3276

ORIGINAL

EXHIBIT 2

19-DCV-263214

268th Judicial District Court

Sheila A Leonard vs Dearborn Life Insurance Company f/k/a Dearborn National Life Insurance Company: Texoma Hospital Partners, LLC: Carrus Carrus Healthcare, LLC; Carrus Health Holdings, LLC: Carrus ER Richmond, LLC: and Carrus Rehabilitation Hospital, LLC

CERTIFICATE OF DELIVERY BY CERTIFIED MAIL

Came to hand on the 6th day of June, 2019 at 10:54am o'clock and executed at REGISTERD AGENT CORPORATION SERVICE COMPANY 211 E 7TH STREET SUITE 620 AUSTIN TX 78701, on the June 17, 2019, by delivering to the within named DEARBORN LIFE INSURANCE COMPANY by registered or certified mail, with delivery - restricted to addressee only, return receipt requested, a true copy of this citation together with the accompanying copy of the petition were attached thereto.

Fee..... \$8.00 Issuance + \$80.00 Service = \$88.00

CMRRR# 9414 7266 9904 2140 9721 05

FILED

JUN 17 2019

AT

Beverly MCGrew Walker
CLERK DISTRICT COURT, FORT BEND CO., TX

DISTRICT CLERK BEVERLEY MCGREW WALKER
FORT BEND COUNTY, TEXAS

Physical Address:

1422 Eugene Heimann Circle, Room 21004
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By:

Donald Evans
Deputy District Clerk Donald Evans

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____,
(First, Middle, Last)

_____, and my address is _____
(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____

on the day of _____.

Declarant / Authorized Process Server

(Id # & expiration of certification)

ORIGINAL

Citation (By Certified Mail) issued to Dearborn Life Insurance Company on 6/17/2019.

EXHIBIT 2

**SERVICE FEE COLLECTED
BY DISTRICT CLERK**

THE STATE OF TEXAS

CITATION

TO: **TEXOMA HOSPITAL PARTNERS, LLC
REGISTERED AGENT SDB PARTNERS LLC
321 N HIGHLAND AVENUE SUITE 100
SHERMAN TX 75092**

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on Monday next following the expiration of twenty days after you were served this citation and **PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR DISCLOSURE AND REQUEST FOR PRODUCTION** filed on **JUNE 06, 2019**, a default judgment may be taken against you.

The case is presently pending before the **268TH JUDICIAL DISTRICT COURT** of Fort Bend County sitting in Richmond, Texas. It bears cause number **19-DCV-263214** and is styled:

SHEILA A LEONARD VS DEARBORN LIFE INSURANCE COMPANY F/K/A DEARBORN NATIONAL LIFE INSURANCE COMPANY; TEXOMA HOSPITAL PARTNERS, LLC; CARRUS CARRUS HEALTHCARE, LLC; CARRUS HEALTH HOLDINGS, LLC; CARRUS ER RICHMOND, LLC; AND CARRUS REHABILITATION HOSPITAL, LLC

The name and address of the attorney for **PLAINTIFF** is:

**HAROLD A. ODOM, III
THE ODOM LAW FIRM
601 SAWYER SUITE 225
HOUSTON TX 77007
713-357-5150**

The nature of the demands of said **PLAINTIFF** is shown by a true and correct copy of the **PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR DISCLOSURE AND REQUEST FOR PRODUCTION** accompanying this citation and made a part hereof.

If this Citation is not served, it shall be returned unserved. Issued under my hand and seal of said Court, at Richmond, Texas, on this the 17th day of June, 2019.

**DISTRICT CLERK BEVERLEY MCGREW WALKER
FORT BEND COUNTY, TEXAS**

Physical Address:

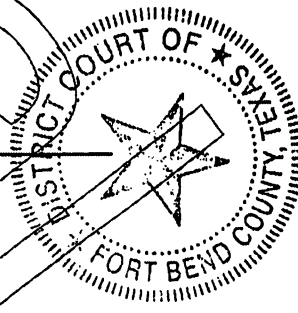
1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By:


Deputy District Clerk DONALD EVANS
Telephone: (281) 238-3276



ORIGINAL

EXHIBIT 2

19-DCV-263214

268th Judicial District Court

Sheila A Leonard vs Dearborn Life Insurance Company f/k/a Dearborn National Life Insurance Company: Texoma Hospital Partners, LLC: Carrus Carrus Healthcare, LLC; Carrus Health Holdings, LLC; Carrus ER Richmond, LLC; and Carrus Rehabilitation Hospital, LLC

CERTIFICATE OF DELIVERY BY CERTIFIED MAIL

Came to hand on the 6th day of June, 2019 at 10:54am o'clock and executed at REGISTERED AGENT SDB PARTNERS LLC 321 N HIGHLAND AVENUE SUITE 100 SHERMAN TX 75092, on the June 17, 2019, by delivering to the within named TEXOMA HOSPITAL PARTNERS, LLC by registered or certified mail, with delivery - restricted to addressee only, return receipt requested, a true copy of this citation together with the accompanying copy of the petition were attached thereto.

Fee..... \$8.00 Issuance + \$80.00 Service = \$88.00

CMRRR# 9414 7266 9904 2140 9721 67

FILED

JUN 17 2019

AT

2:21 P.M.

Beverly M. Greer Walker
CLERK DISTRICT COURT, FORT BEND CO., TX

DISTRICT CLERK BEVERLEY MCGREW WALKER
FORT BEND COUNTY, TEXAS

Physical Address:

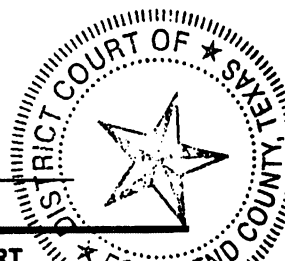
1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By:

Deputy District Clerk Donald Evans



COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____
(First, Middle, Last)

_____, and my address is _____
(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____

on the day of _____

Declarant / Authorized Process Server

(Id # & expiration of certification)

ORIGINAL

Citation (By Certified Mail) issued to Texoma Hospital Partners, LLC on 6/17/2019.

EXHIBIT 2

**SERVICE FEE COLLECTED
BY DISTRICT CLERK**

THE STATE OF TEXAS

CITATION

TO: CARRUS HEALTHCARE, LLC
REGISTERED AGENT ANBARASU NACHIMUTHU
4204 NORTH I-35
DENTON TX 76207

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on Monday next following the expiration of twenty days after you were served this citation and **PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR DISCLOSURE AND REQUEST FOR PRODUCTION** filed on JUNE 06, 2019, a default judgment may be taken against you.

The case is presently pending before the **268TH JUDICIAL DISTRICT COURT** of Fort Bend County sitting in Richmond, Texas. It bears cause number **19-DCV-263214** and is styled:

SHEILA A LEONARD VS DEARBORN LIFE INSURANCE COMPANY F/K/A DEARBORN NATIONAL LIFE INSURANCE COMPANY; TEXOMA HOSPITAL PARTNERS, LLC; CARRUS CARRUS HEALTHCARE, LLC; CARRUS HEALTH HOLDINGS, LLC; CARRUS ER RICHMOND, LLC; AND CARRUS REHABILITATION HOSPITAL, LLC

The name and address of the attorney for **PLAINTIFF** is:

**HAROLD A. ODOM, III
THE ODOM LAW FIRM
601 SAWYER SUITE 225
HOUSTON TX 77007
713-357-5150**

The nature of the demands of said **PLAINTIFF** is shown by a true and correct copy of the **PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR DISCLOSURE AND REQUEST FOR PRODUCTION** accompanying this citation and made a part hereof.

If this Citation is not served, it shall be returned unserved. Issued under my hand and seal of said Court, at Richmond, Texas, on this the 17th day of June, 2019.

**DISTRICT CLERK BEVERLEY MCGREW WALKER
FORT BEND COUNTY, TEXAS**

Physical Address:

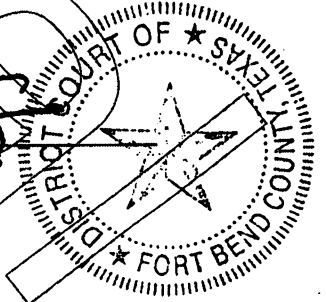
1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By: 

Deputy District Clerk DONALD EVANS
Telephone: (281) 238-3276



ORIGINAL

EXHIBIT 2

19-DCV-263214

268th Judicial District Court

Sheila A Leonard vs Dearborn Life Insurance Company f/k/a Dearborn National Life Insurance Company: Texoma Hospital Partners, LLC: Carrus Carrus Healthcare, LLC; Carrus Health Holdings, LLC: Carrus ER Richmond, LLC: and Carrus Rehabilitation Hospital, LLC

CERTIFICATE OF DELIVERY BY CERTIFIED MAIL

Came to hand on the 6th day of June, 2019 at 10:54am o'clock and executed at REGISTERED AGENT ANBARASU NACHIMUTHU 4204 NORTH I-35 DENTON TX 76207, on the June 17, 2019, by delivering to the within named CARRUS HEALTHCARE, LLC by registered or certified mail, with delivery - restricted to addressee only, return receipt requested, a true copy of this citation together with the accompanying copy of the petition were attached thereto.

Fee..... \$8.00 Issuance + \$80.00 Service = \$88.00

CMRRR# 9414 7266 9904 2140 9721 74

FILED

JUN 17 2019

AT

Beverly MCGrew Walker
CLERK DISTRICT COURT, FORT BEND CO., TX

DISTRICT CLERK BEVERLEY MCGREW WALKER
FORT BEND COUNTY, TEXAS

Physical Address:

1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By:

Donald Evans
Deputy District Clerk Donald Evans

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____
(First, Middle, Last)

_____, and my address is _____
(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____

on the day of _____

Declarant / Authorized Process Server

(Id # & expiration of certification)

ORIGINAL

Citation (By Certified Mail) issued to Carrus Healthcare, LLC on 6/17/2019.

EXHIBIT 2

**SERVICE FEE COLLECTED
BY DISTRICT CLERK**

THE STATE OF TEXAS

CITATION

**TO: CARRUS HEALTH HOLDINGS, LLC
REGISTERED AGENT ANBARASU NACHIMUTHU
4204 NORTH I-35
DENTON TX 76207**

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on Monday next following the expiration of twenty days after you were served this citation and **PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR DISCLOSURE AND REQUEST FOR PRODUCTION** filed on **JUNE 06, 2019**, a default judgment may be taken against you.

The case is presently pending before the **268TH JUDICIAL DISTRICT COURT** of Fort Bend County sitting in Richmond, Texas. It bears cause number **19-DCV-263214** and is styled:

SHEILA A LEONARD VS DEARBORN LIFE INSURANCE COMPANY F/K/A DEARBORN NATIONAL LIFE INSURANCE COMPANY; TEXOMA HOSPITAL PARTNERS, LLC; CARRUS CARRUS HEALTHCARE, LLC; CARRUS HEALTH HOLDINGS, LLC; CARRUS ER RICHMOND, LLC; AND CARRUS REHABILITATION HOSPITAL, LLC

The name and address of the attorney for **PLAINTIFF** is:

**HAROLD A. ODOM, III
THE ODOM LAW FIRM
601 SAWYER SUITE 225
HOUSTON TX 77007
713-357-5150**

The nature of the demands of said **PLAINTIFF** is shown by a true and correct copy of the **PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR DISCLOSURE AND REQUEST FOR PRODUCTION** accompanying this citation and made a part hereof.

If this Citation is not served, it shall be returned unserved. Issued under my hand and seal of said Court, at Richmond, Texas, on this the 17th day of June, 2019.

**DISTRICT CLERK BEVERLEY MCGREW WALKER
FORT BEND COUNTY, TEXAS**

Physical Address:

1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By: 

Deputy District Clerk **DONALD EVANS**
Telephone: (281) 238-3276

ORIGINAL

EXHIBIT 2

19-DCV-263214

268th Judicial District Court

Sheila A Leonard vs Dearborn Life Insurance Company f/k/a Dearborn National Life Insurance Company: Texoma Hospital Partners, LLC: Carrus Carrus Healthcare, LLC; Carrus Health Holdings, LLC: Carrus ER Richmond, LLC: and Carrus Rehabilitation Hospital, LLC

CERTIFICATE OF DELIVERY BY CERTIFIED MAIL

Came to hand on the 6th day of June, 2019 at 10:54am o'clock and executed at REGISTERED AGENT ANBARASU NACHIMUTHU 4204 NORTH I-35 DENTON TX 76207, on the June 17, 2019, by delivering to the within named CARRUS HEALTH HOLDINGS, LLC by registered or certified mail, with delivery - restricted to addressee only, return receipt requested, a true copy of this citation together with the accompanying copy of the petition were attached thereto.

Fee..... \$8.00 Issuance + \$80.00 Service = \$88.00

CMRRR# 9414 7266 9904 2140 9721 81

FILED

JUN 17 2019

AT

Beverly M. Greer Walker
CLERK DISTRICT COURT, FORT BEND CO., TX

DISTRICT CLERK BEVERLEY MCGREW WALKER
FORT BEND COUNTY, TEXAS

Physical Address:

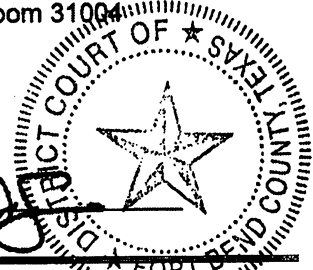
1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By:

David Evans
Deputy District Clerk



COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____
(First, Middle, Last)

_____, and my address is _____
(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____
on the day of _____

Declarant / Authorized Process Server

(Id # & expiration of certification)

ORIGINAL

Citation (By Certified Mail) issued to Carrus Health Holdings, LLC on 6/17/2019.

EXHIBIT 2

**SERVICE FEE COLLECTED
BY DISTRICT CLERK**

THE STATE OF TEXAS

CITATION

TO: CARRUS ER RICHMOND, LLC
REGISTERED AGENT ANBARASU NACHIMUTHU
4204 NORTH I-35
DENTON TX 76207

NOTICE:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on Monday next following the expiration of twenty days after you were served this citation and **PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR DISCLOSURE AND REQUEST FOR PRODUCTION** filed on JUNE 06, 2019, a default judgment may be taken against you.

The case is presently pending before the **268TH JUDICIAL DISTRICT COURT** of Fort Bend County sitting in Richmond, Texas. It bears cause number **19-DCV-263214** and is styled:

SHEILA A LEONARD VS DEARBORN LIFE INSURANCE COMPANY F/K/A DEARBORN NATIONAL LIFE INSURANCE COMPANY; TEXOMA HOSPITAL PARTNERS, LLC; CARRUS CARRUS HEALTHCARE, LLC; CARRUS HEALTH HOLDINGS, LLC; CARRUS ER RICHMOND, LLC; AND CARRUS REHABILITATION HOSPITAL, LLC

The name and address of the attorney for **PLAINTIFF** is:

**HAROLD A. ODOM, III
THE ODOM LAW FIRM
601 SAWYER SUITE 225
HOUSTON TX 77007
713-357-5150**

The nature of the demands of said **PLAINTIFF** is shown by a true and correct copy of the **PLAINTIFF'S ORIGINAL PETITION, REQUEST FOR DISCLOSURE AND REQUEST FOR PRODUCTION** accompanying this citation and made a part hereof.

If this Citation is not served, it shall be returned unserved. Issued under my hand and seal of said Court, at Richmond, Texas, on this the 17th day of June, 2019.

**DISTRICT CLERK BEVERLEY MCGREW WALKER
FORT BEND COUNTY, TEXAS**

Physical Address:

1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By: 

Deputy District Clerk DONALD EVANS
Telephone: (281) 238-3276

ORIGINAL

EXHIBIT 2

19-DCV-263214

268th Judicial District Court

Sheila A Leonard vs Dearborn Life Insurance Company f/k/a Dearborn National Life Insurance Company; Texoma Hospital Partners, LLC; Carrus Carrus Healthcare, LLC; Carrus Health Holdings, LLC; Carrus ER Richmond, LLC; and Carrus Rehabilitation Hospital, LLC

CERTIFICATE OF DELIVERY BY CERTIFIED MAIL

Came to hand on the 6th day of June, 2019 at 10:54am o'clock and executed at REGISTERED AGENT ANBARASU NACHIMUTHU 4204 NORTH I-35 DENTON TX 76207, on the June 17, 2019, by delivering to the within named CARRUS ER RICHMOND, LLC by registered or certified mail, with delivery - restricted to addressee only, return receipt requested, a true copy of this citation together with the accompanying copy of the petition were attached thereto.

Fee..... \$8.00 Issuance + \$80.00 Service = \$88.00

CMRRR# 9414 7266 9904 2140 9721 98

FILED

JUN 17 2019

AT

Beverly Mc Grew Walker
CLERK DISTRICT COURT, FORT BEND CO., TX

DISTRICT CLERK BEVERLEY MCGREW WALKER
FORT BEND COUNTY, TEXAS

Physical Address:

1422 Eugene Heimann Circle, Room 31004
Richmond, Texas 77469

Mailing Address:

301 Jackson Street, Room 101
Richmond, Texas 77469

By:

Danial Evans
Deputy District Clerk, Danial Evans

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable, or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____
(First, Middle, Last)

_____, and my address is _____
(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____
on the day of _____.

Declarant / Authorized Process Server

(Id # & expiration of certification)

ORIGINAL

Citation (By Certified Mail) issued to Carrus ER Richmond, LLC on 6/17/2019.

EXHIBIT 2

Skip to Main Content Logout My Account Search Menu New Civil Search Refine Search Back

Location : Fort Bend Images Help

REGISTER OF ACTIONS**CASE No. 19-DCV-263214**

Sheila A Leonard vs Dearborn Life Insurance Company f/k/a Dearborn §
 National Life Insurance Company: Texoma Hospital Partners, LLC: Carrus §
 Carrus Healthcare, LLC; Carrus Health Holdings, LLC: Carrus ER §
 Richmond, LLC: and Carrus Rehabilitation Hospital, LLC §
 §

Case Type: **Contract - Other Contract**
 Date Filed: **06/06/2019**
 Location: **268th District Court**

PARTY INFORMATION**Attorneys**

Defendant or Carrus ER Richmond, LLC
Respondent Denton, TX 76207

Defendant or Carrus Health Holdings, LLC
Respondent Denton, TX 76207

Defendant or Carrus Healthcare, LLC
Respondent Denton, TX 76207

Defendant or Carrus Rehabilitation Hospital, LLC
Respondent Sherman, TX 75092

Defendant or Dearborn Life Insurance Company *Formerly*
Respondent *Known As* Dearborn National Life Insurance
 Company
 Austin, TX 78701

Andrew F. MacRae
Retained
 512-637-1581(W)

Defendant or Texoma Hospital Partners, LLC
Respondent Sherman, TX 75092

Plaintiff or Leonard, Sheila A.
Petitioner

Harold A. Odom, III
Retained
 713-357-5150(W)

EVENTS & ORDERS OF THE COURT**OTHER EVENTS AND HEARINGS**

06/06/2019	Docket Sheet		
06/06/2019	Petition	Doc ID# 1	
	<i>Plaintiff's Original Petition, Request for Disclosure and Request for Production</i>		
06/06/2019	Case Information Sheet		
	<i>Civil Case Information Sheet</i>		
06/17/2019	Request	Doc ID# 2	
	<i>Request for Process</i>		
06/17/2019	Request	Doc ID# 3	
	<i>Request for Process</i>		
06/17/2019	Issuance	Doc ID# 4	
	<i>Citation by Certified Mail Issued to Dearborn National Life Insurance Company</i>		
06/17/2019	Citation by Certified Mail		
	CMRRR 9414 7266 9904 2140 9721 05		
	Dearborn Life Insurance Company	Served	06/20/2019
		Returned	06/26/2019
06/17/2019	Issuance	Doc ID# 5	
	<i>Citation by Certified Mail Issued to Texoma Hospital Partners, LLC</i>		
06/17/2019	Citation by Certified Mail		
	CMRRR 9414 7266 9904 2140 9721 67		
	Texoma Hospital Partners, LLC	Unserved	
06/17/2019	Issuance	Doc ID# 6	
	<i>Citation by Certified Mail Issued to Carrus Healthcare, LLC</i>		
06/17/2019	Citation by Certified Mail		
	CMRRR 941 7266 9904 2140 9721 74		
	Carrus Healthcare, LLC	Served	06/24/2019
		Returned	06/24/2019
06/17/2019	Issuance	Doc ID# 7	
	<i>Citation by Certified Mail Issued to Carrus Health Holdings, LLC</i>		

EXHIBIT 3

06/17/2019	Citation by Certified Mail CMRRR 9414 7266 9904 2140 9721 81 Carrus Health Holdings, LLC	Served Returned	06/24/2019 06/24/2019
06/17/2019	Issuance Doc ID# 8 <i>Citation by Certified Mail Issued to Carrus ER Richmond, LLC</i>		
06/17/2019	Citation by Certified Mail CMRRR 9414 7266 9904 2140 9721 98 Carrus ER Richmond, LLC	Served Returned	06/26/2019 06/26/2019
06/17/2019	Issuance Doc ID# 9 <i>Citation by Certified Mail Issued to Carrus Rehabilitation Hospital, LLC</i>		
06/17/2019	Citation by Certified Mail CMRRR 9414 7266 9904 2140 9722 04 Carrus Rehabilitation Hospital, LLC	Served Returned	06/20/2019 07/02/2019
07/05/2019	<u>Answer/Contest/Response/Waiver</u> Doc ID# 10 <i>Original Answer</i>		

FINANCIAL INFORMATION

	Defendant or Respondent Dearborn Life Insurance Company		
	Total Financial Assessment		2.00
	Total Payments and Credits		2.00
	Balance Due as of 07/05/2019		0.00
07/05/2019	Transaction Assessment		2.00
07/05/2019	E-filing Receipt # 2019-47011-DCLK	Dearborn Life Insurance Company	(2.00)
	Plaintiff or Petitioner Leonard, Sheila A.		
	Total Financial Assessment		878.00
	Total Payments and Credits		878.00
	Balance Due as of 07/05/2019		0.00
06/06/2019	Transaction Assessment		294.00
06/06/2019	E-filing Receipt # 2019-39702-DCLK	Leonard, Sheila A.	(294.00)
06/17/2019	Transaction Assessment		584.00
06/17/2019	E-filing Receipt # 2019-42144-DCLK	Leonard, Sheila A.	(584.00)

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SHEILA LEONARD,	§	
Plaintiff	§	
	§	
v.	§	
	§	
DEARBORN NATIONAL LIFE	§	
INSURANCE COMPANY, TEXOMA	§	
HOSPITAL PARTNERS, LLC; CARRUS	§	
HEALTHCARE, LLC; CARRUS HEALTH	§	
HOLDINGS, LLC; CARRUS ER	§	
RICHMOND, LLC; and CARRUS	§	
REHABILITATION HOSPITAL, LLC	§	
Defendants	§	

LIST OF ALL COUNSEL OF RECORD

Counsel for Plaintiff:

Al Odom
State Bar No. 15201100
The Odom Law Firm
601 Sawyer, Suite 225
Houston, Texas 77007
Tel: (713) 357-5153
Fax: (713) 588-8437
aodom@aodomainlawfirm.com

Counsel for Dearborn National

Andrew F. MacRae
State Bar No. 00784510
LEVATINO|PACE PLLC
1101 S. Capital of Texas Hwy
Building K, Suite 125
Austin, Texas 78746
Tel: (512) 637-1581
Fax: (512) 637-1583
andrew@lpfirm.com

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Sheila Leonard

(b) County of Residence of First Listed Plaintiff Fort Bend

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Al Odom, The Odom Law Firm, 601 Sawyer, Suite 225, Houston, Texas 77002; 713/357-5153

DEFENDANTS

Dearborn National Life Insurance Company, et al

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Andrew F. MacRae, Levatino|Pace PLLC, 1101 S. Capital of Texas Hwy, Suite 125, Austin, Texas 78746; 512/637-8565

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

29 USC 1132

Brief description of cause:

ERISA

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

07/05/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ Andrew F. MacRae

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

EXHIBIT 5